

SENATE BILL NO. 263

INTRODUCED BY SHOCKLEY, SALES, STOKER

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REVISING LAWS GOVERNING~~ ESTABLISHING A FLAT FEE FOR SERVICES PROVIDED BY REVISING LAWS GOVERNING THE OFFICE OF STATE PUBLIC DEFENDER; REQUIRING ASSIGNED ATTORNEYS TO FILE A BILL OF COSTS WITH THE COURT; REQUIRING RULES, POLICIES, AND PROCEDURES TO REQUIRE ASSIGNED ATTORNEYS TO KEEP TRACK OF THE TIME SPENT ON ASSIGNED CASES; REQUIRING PUBLIC DEFENDER COSTS TO BE INCLUDED IN A CRIMINAL JUDGMENT; REQUIRING ASSIGNED COUNSEL TO FILE CERTAIN COSTS WITH THE DISTRICT COURT; CLARIFYING THAT AN ASSIGNMENT OF COUNSEL BY THE OFFICE OF STATE PUBLIC DEFENDER IS SUBJECT TO INQUIRY AND DENIAL BY A COURT; ~~PROVIDING THAT IN THE EVENT OF A CONFLICT OF INTEREST A PUBLIC DEFENDER FROM AN ADJOINING DISTRICT MUST BE SUBSTITUTED UNLESS THE SUBSTITUTION IS NOT COST-EFFECTIVE~~; AMENDING SECTIONS 46-8-113, ~~47-1-104~~, ~~47-1-105~~, AND ~~47-1-111~~, ~~47-1-201~~, ~~47-1-202~~, ~~47-1-215~~, AND 47-1-216; MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-8-113, MCA, is amended to read:

"46-8-113. Payment by defendant for assigned counsel -- ~~bill of costs~~ FEES FOR PUBLIC DEFENDER COSTS -- INCLUSION IN JUDGMENT COSTS TO BE FILED WITH DISTRICT COURT. (1) As part of or as a condition under a sentence imposed under the provisions of this title, the court ~~may~~ SHALL require a convicted defendant to pay the MINIMUM costs of counsel assigned to represent the defendant AS PROVIDED IN SUBSECTION (5) AND MAY REQUIRE A DEFENDANT TO PAY ADDITIONAL COSTS AND EXPENSES IF A STATEMENT IS FILED AS PROVIDED IN SUBSECTION (2).

(2) Costs must be limited to costs incurred by the office of state public defender, provided for in 47-1-201, for providing the defendant with counsel in the criminal proceeding, ~~as reflected in the bill of costs filed with the court under 47-1-104(5).~~ PROVIDED IN SUBSECTION (5). THE COSTS MUST BE INCLUDED IN THE JUDGMENT DRAFTED BY THE COUNTY ATTORNEY. IF THE CRIMINAL PROCEEDING IS IN THE DISTRICT COURT INCLUDES A JURY TRIAL, COUNSEL ASSIGNED BY THE OFFICE OF STATE PUBLIC DEFENDER SHALL FILE WITH THE DISTRICT COURT A STATEMENT OF THE HOURS

SPENT ON THE CASE AND THE COSTS AND EXPENSES INCURRED.

(3) The court may not sentence a defendant to pay the costs for assigned counsel unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been sentenced to pay costs may at any time petition the court that sentenced the defendant for remission of the payment of costs or of any unpaid portion of the costs. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs or modify the method of payment.

~~(5) THE COURT SHALL INCLUDE PUBLIC DEFENDER COSTS IN THE JUDGMENT AT THE FOLLOWING RATES:~~

~~(A) MISDEMEANOR GUILTY PLEA, OTHER THAN A MISDEMEANOR UNDER 61-8-401, 61-8-406, OR 61-8-410, \$250;~~

~~(B) MISDEMEANOR GUILTY PLEA UNDER 61-8-401, 61-8-406, OR 61-8-410, \$500;~~

~~(C) MISDEMEANOR TRIAL, \$1,000;~~

~~(D) FELONY GUILTY PLEA, \$1,000; AND~~

~~(E) FELONY TRIAL, \$1,000 PER DAY OF TRIAL.~~

(5) THE COURT SHALL INCLUDE IN EVERY JUDGMENT THE RECOVERY OF THE FOLLOWING MINIMUM COSTS AND EXPENSES OF THE ASSIGNED COUNSEL IN EVERY CASE IN WHICH THE DEFENDANT IS REPRESENTED BY ASSIGNED COUNSEL:

(A) IN EVERY MISDEMEANOR CASE, \$250; AND

(B) IN EVERY FELONY CASE, \$500."

~~**Section 2.** Section 47-1-104, MCA, is amended to read:~~

~~**"47-1-104. Statewide system -- structure and scope of services -- assignment of counsel at public expense -- filing of bill of costs with court required.** (1) There is a statewide public defender system, which must deliver public defender services in all courts in this state. The system is supervised by the commission and administered by the office.~~

~~(2) The commission shall approve a strategic plan for service delivery and divide the state into not more than 11 public defender regions. The commission may establish a regional office to provide public defender services in each region, as provided in 47-1-215, establish a contracted services program to provide services in the region, or utilize other service delivery methods as appropriate and consistent with the purposes described~~

1 in ~~47-1-102~~:

2 ~~—— (3) Beginning July 1, 2006, when When a court orders the office to assign counsel, the office shall~~
3 ~~immediately assign a public defender qualified to provide the required services. The commission shall establish~~
4 ~~protocols to ensure that the office makes appropriate assignments in a timely manner.~~

5 ~~—— (4) Beginning July 1, 2006 Subject to 47-1-111(1)(d), a court may order the office to assign counsel~~
6 ~~under this chapter in the following cases:~~

7 ~~—— (a) in cases in which a person is entitled to assistance of counsel at public expense because of financial~~
8 ~~inability to retain private counsel, subject to a determination of indigence pursuant to 47-1-111, as follows:~~

9 ~~—— (i) for a person charged with a felony or charged with a misdemeanor for which there is a possibility of~~
10 ~~incarceration, as provided in 46-8-101;~~

11 ~~—— (ii) for a party in a proceeding to determine parentage under the Uniform Parentage Act, as provided in~~
12 ~~40-6-119;~~

13 ~~—— (iii) for a parent, guardian, or other person with physical or legal custody of a child or youth in any~~
14 ~~removal, placement, or termination proceeding pursuant 41-3-422 and as required under the federal Indian Child~~
15 ~~Welfare Act, as provided in 41-3-425;~~

16 ~~—— (iv) for an applicant for sentence review pursuant to Title 46, chapter 18, part 9;~~

17 ~~—— (v) for a petitioner in a proceeding for postconviction relief, as provided in 46-21-201;~~

18 ~~—— (vi) for a petitioner in a habeas corpus proceeding pursuant to Title 46, chapter 22;~~

19 ~~—— (vii) for a parent or guardian in a proceeding for the involuntary commitment of a developmentally~~
20 ~~disabled person to a residential facility, as provided in 53-20-112;~~

21 ~~—— (viii) for a respondent in a proceeding for involuntary commitment for a mental disorder, as provided in~~
22 ~~53-21-116;~~

23 ~~—— (ix) for a respondent in a proceeding for the involuntary commitment of a person for alcoholism, as~~
24 ~~provided in 53-24-302; and~~

25 ~~—— (x) for a witness in a criminal grand jury proceeding, as provided in 46-4-304.~~

26 ~~—— (b) in cases in which a person is entitled by law to the assistance of counsel at public expense regardless~~
27 ~~of the person's financial ability to retain private counsel, as follows:~~

28 ~~—— (i) as provided for in 41-3-425;~~

29 ~~—— (ii) for a youth in a proceeding under the Montana Youth Court Act alleging a youth is delinquent or in~~
30 ~~need of intervention, as provided in 41-5-1413, and in a prosecution under the Extended Jurisdiction Prosecution~~

1 ~~Act, as provided in 41-5-1607;~~

2 ~~—— (iii) for a juvenile entitled to assigned counsel in a proceeding under the Interstate Compact on Juveniles;~~
3 ~~as provided in 41-6-101;~~

4 ~~—— (iv) for a minor who petitions for a waiver of parental notification requirements under the Parental Notice~~
5 ~~of Abortion Act, as provided in 50-20-212;~~

6 ~~—— (v) for a respondent in a proceeding for the involuntary commitment of a developmentally disabled~~
7 ~~person to a residential facility, as provided in 53-20-112;~~

8 ~~—— (vi) for a minor voluntarily committed to a mental health facility, as provided in 53-21-112;~~

9 ~~—— (vii) for a person who is the subject of a petition for the appointment of a guardian or conservator in a~~
10 ~~proceeding under the provisions of the Uniform Probate Code in Title 72, chapter 5;~~

11 ~~—— (viii) for a ward when the ward's guardian has filed a petition to require medical treatment for a mental~~
12 ~~disorder of the ward, as provided in 72-5-322; and~~

13 ~~—— (c) for an eligible appellant in an appeal of a proceeding listed in this subsection (4).~~

14 ~~—— (5) In all cases in which a court orders the office to assign counsel, the court shall require the attorney~~
15 ~~assigned by the office to file with the court a bill of costs within 15 days before pronouncement of judgment. The~~
16 ~~bill of costs must be verified by affidavit and must include the costs, expenses, and attorney fees incurred by the~~
17 ~~office for providing counsel in the case. The cost for attorney fees must clearly indicate both the hours spent and~~
18 ~~the fee per hour for the attorney's time spent on the case.~~

19 ~~—— (5)(6) (a) Except as provided in subsection (5)(b) (6)(b), a public defender may not be assigned to act~~
20 ~~as a court-appointed special advocate or guardian ad litem in a proceeding under the Montana Youth Court Act,~~
21 ~~Title 41, chapter 5, or in an abuse and neglect proceeding under Title 41, chapter 3.~~

22 ~~—— (b) A private attorney who is contracted with under the provisions of 47-1-216 to provide public defender~~
23 ~~services under this chapter may be appointed as a court-appointed special advocate or guardian ad litem in a~~
24 ~~proceeding described in subsection (5)(a) (6)(a) if the appointment is separate from the attorney's service for the~~
25 ~~statewide public defender system and does not result in a conflict of interest."~~

26
27 ~~—— **Section 3.** Section 47-1-105, MCA, is amended to read:~~

28 ~~—— "**47-1-105. Commission -- duties -- report -- rules.** The commission shall supervise and direct the~~
29 ~~system. In addition to other duties assigned pursuant to this chapter, the commission shall:~~

30 ~~—— (1) establish the qualifications, duties, and compensation of the chief public defender, as provided in~~

~~47-1-201, appoint a chief public defender after considering qualified applicants, and regularly evaluate the performance of the chief public defender;~~

~~———— (2) establish statewide standards for the qualification and training of attorneys providing public defender services to ensure that services are provided by competent counsel and in a manner that is fair and consistent throughout the state. The standards must take into consideration:~~

~~———— (a) the level of education and experience that is necessary to competently handle certain cases and case types, such as criminal, juvenile, abuse and neglect, civil commitment, capital, and other case types in order to provide effective assistance of counsel;~~

~~———— (b) acceptable caseloads and workload monitoring protocols to ensure that public defender workloads are manageable;~~

~~———— (c) access to and use of necessary professional services, such as paralegal, investigator, and other services that may be required to support a public defender in a case;~~

~~———— (d) continuing education requirements for public defenders and support staff;~~

~~———— (e) practice standards;~~

~~———— (f) performance criteria; and~~

~~———— (g) performance evaluation protocols.~~

~~———— (3) review and approve the strategic plan and budget proposals submitted by the chief public defender and the administrative director;~~

~~———— (4) review and approve any proposal to create permanent staff positions;~~

~~———— (5) establish policies and procedures for identifying cases in which public defenders may have a conflict of interest and for ensuring that cases involving a conflict of interest are handled according to professional ethical standards; If there is a conflict, a public defender must be substituted from an adjoining district unless the substitution is not cost-effective.~~

~~———— (6) establish policies and procedures for handling excess caseloads;~~

~~———— (7) establish policies and procedures to ensure that detailed expenditure and caseload data is collected, recorded, and reported to support strategic planning efforts for the system; The policies and procedures must require that each assigned attorney, whether employed by or under contract with the office, keep track of the attorney's time spent on each case assigned under this chapter, report that information to the office, and file that information with the court as required by 47-1-104(5).~~

~~———— (8) adopt administrative rules pursuant to the Montana Administrative Procedure Act to implement the~~

provisions of this chapter; and

~~(9) submit a biennial report to the governor, the supreme court, and the legislature, as provided in 5-11-210. Each interim, the commission shall also specifically report to the law and justice interim committee established pursuant to 5-5-202 and 5-5-226. The report must cover the preceding biennium and include:~~

~~(a) all policies or procedures in effect for the operation and administration of the statewide public defender system;~~

~~(b) all standards established or being considered by the commission or the chief public defender;~~

~~(c) the number of deputy public defenders and the region supervised by each;~~

~~(d) the number of public defenders employed or contracted with in the system, identified by region;~~

~~(e) the number of attorney and nonattorney staff supervised by each deputy public defender;~~

~~(f) the number of new cases in which counsel was assigned to represent a party, identified by region, court, and case type;~~

~~(g) the total number of persons represented by the office, identified by region, court, and case type;~~

~~(h) the annual caseload and workload of each public defender, including time spent on each case by an assigned attorney, identified by region, court, and case type;~~

~~(i) the training programs conducted by the office and the number of attorney and nonattorney staff who attended each program;~~

~~(j) the continuing education courses on criminal defense or criminal procedure attended by each public defender employed or contracted with in the system; and~~

~~(k) detailed expenditure data by court and case type, including attorney fees."~~

Section 2. Section 47-1-111, MCA, is amended to read:

"47-1-111. Eligibility -- determination of indigence -- rules. (1) (a) ~~Beginning July 1, 2006, when~~ When a court orders the office to assign counsel, the office shall immediately assign counsel prior to a determination under this section.

(b) If the person for whom counsel has been assigned is later determined pursuant to this section to be ineligible for public defender services, the office shall immediately notify the court so that the court's order may be rescinded.

(c) A person for whom counsel is assigned is entitled to the full benefit of public defender services until the court's order requiring the assignment is rescinded.

(d) Any determination pursuant to this section is subject to the review and approval of the court. The propriety of an assignment of counsel by the office is subject to inquiry by the court, and the court may deny an assignment.

(2) (a) An applicant who is eligible for a public defender only because the applicant is indigent shall also provide a detailed financial statement and sign an a verified AN affidavit.

(b) The application, financial statement, and affidavit must be on a form prescribed by the commission.

(c) Information disclosed in the application, financial statement, or affidavit is not admissible in a civil or criminal action except when offered for impeachment purposes or in a subsequent prosecution of the applicant for perjury or false swearing.

(d) The office may not withhold the timely provision of public defender services for delay or failure to fill out an application. However, a court may find a person in civil contempt of court for a person's unreasonable delay or failure to comply with the provisions of this subsection (2).

(3) An applicant is indigent if:

(a) the applicant's gross household income, as defined in 15-30-171, is at or less than 133% of the poverty level set according to the most current federal poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2); or

(b) the disposable income and assets of the applicant and the members of the applicant's household are insufficient to retain competent private counsel without substantial hardship to the applicant or the members of the applicant's household.

(4) A determination of indigence may not be denied based solely on an applicant's ability to post bail or solely because the applicant is employed.

(5) A determination may be modified by the office or the court if additional information becomes available or if the applicant's financial circumstances change.

(6) The commission shall establish procedures and adopt rules to implement this section. Commission procedures and rules:

(a) must ensure that the eligibility determination process is fair and consistent statewide;

(b) must allow a qualified private attorney to represent an applicant if the attorney agrees to accept from the applicant a compensation rate that will not constitute a substantial financial hardship to the applicant or the members of the applicant's household;

(c) may provide for the use of other public or private agencies or contractors to conduct eligibility screening under this section;

(d) must avoid unnecessary duplication of processes; and

(e) must prohibit individual public defenders from performing eligibility screening pursuant to this section."

~~Section 5. Section 47-1-201, MCA, is amended to read:~~

~~"47-1-201. Office of state public defender -- personnel -- compensation -- expenses. (1) There is an office of state public defender. The office must be located in Butte, Montana. The head of the office is the chief public defender, who is supervised by the commission:~~

~~(2) The chief public defender must be an attorney licensed to practice law in the state. The chief public defender is appointed by and serves at the pleasure of the commission. The position of chief public defender is exempt from the state classification and pay plan, as provided in 2-18-103. The commission shall establish compensation for the position commensurate with the position's duties and responsibilities, taking into account the compensation paid to prosecutors with similar responsibilities:~~

~~(3) The chief public defender shall hire or contract for and supervise other personnel necessary to perform the function of the office and to implement the provisions of this chapter, including but not limited to:~~

~~(a) the following personnel who are exempt from the state classification and pay plan, as provided in 2-18-103:~~

~~(i) an administrative director, who must be experienced in business management and contract management;~~

~~(ii) a chief appellate defender;~~

~~(iii) a chief contract manager to oversee and enforce the contracting program;~~

~~(iv) a training coordinator, appointed as provided in 47-1-210;~~

~~(v) deputy public defenders, as provided in 47-1-215; and~~

~~(b) assistant public defenders; and~~

~~(c) other necessary administrative and professional support staff for the office.~~

~~(4) Positions established pursuant to subsections (3)(b) and (3)(c) are classified positions, and persons in those positions are entitled to salaries, wages, benefits, and expenses as provided in Title 2, chapter 18.~~

~~(5) Beginning July 1, 2006, the The following expenses are payable by the office if the expense is incurred at the request of a public defender:~~

1 ~~—— (a) witness and interpreter fees and expenses provided in Title 26, chapter 2, part 5, and 46-15-116; and~~

2 ~~—— (b) transcript fees, as provided in 3-5-604.~~

3 ~~—— (6) If the costs to be paid pursuant to this section are not paid directly, reimbursement must be made~~
4 ~~within 30 days of the receipt of a claim.~~

5 ~~—— (7) The office may accept gifts, grants, or donations, which must be deposited in the account provided~~
6 ~~for in 47-1-110.~~

7 ~~—— (8) The chief public defender shall establish procedures to provide for the approval, payment, recording,~~
8 ~~reporting, and management of defense expenses paid pursuant to this section. The procedures must require that~~
9 ~~each assigned attorney, whether employed by or under contract with the office, keep track of the attorney's time~~
10 ~~spent on each case assigned under this chapter, report that information to the office, and file that information with~~
11 ~~the court as required by 47-1-104(5).~~

12
13 ~~—— **Section 6.** Section 47-1-202, MCA, is amended to read:~~

14 ~~—— **"47-1-202. Chief public defender -- duties.** In addition to the duties provided in 47-1-201, the chief~~
15 ~~public defender shall:~~

16 ~~—— (1) act as secretary to the commission and provide administrative staff support to the commission;~~

17 ~~—— (2) assist the commission in establishing the state system and establishing the standards, policies, and~~
18 ~~procedures required pursuant to this chapter;~~

19 ~~—— (3) develop and present for the commission's approval a regional strategic plan for the delivery of public~~
20 ~~defender services;~~

21 ~~—— (4) establish processes and procedures to ensure that when a case that is assigned to the office~~
22 ~~presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and~~
23 ~~ethically; If there is a conflict, a public defender must be substituted from an adjoining district unless the~~
24 ~~substitution is not cost effective.~~

25 ~~—— (5) establish processes and procedures to ensure that office and contract personnel use information~~
26 ~~technology and caseload management systems so that detailed expenditure and caseload data, including each~~
27 ~~attorney's time spent on each assigned case, is accurately collected, recorded, and reported;~~

28 ~~—— (6) establish administrative management procedures for regional offices;~~

29 ~~—— (7) establish procedures for managing caseloads and assigning cases in a manner that ensures that~~
30 ~~public defenders are assigned cases according to experience, training, and manageable caseloads and taking~~

1 into account case complexity, the severity of charges and potential punishments, and the legal skills required to
2 provide effective assistance of counsel;

3 ~~——— (8) establish policies and procedures for assigning counsel in capital cases that are consistent with~~
4 ~~standards issued by the Montana supreme court for counsel for indigent persons in capital cases;~~

5 ~~——— (9) establish and supervise a training and performance evaluation program for attorneys and nonattorney~~
6 ~~staff members and contractors;~~

7 ~~——— (10) establish procedures to handle complaints about public defender performance and to ensure that~~
8 ~~public defenders, office personnel, and clients are aware of avenues available for bringing a complaint and that~~
9 ~~office procedures do not conflict with the disciplinary jurisdiction of the supreme court and the rules promulgated~~
10 ~~pursuant to Article VII, section 2, of the Montana constitution and the applicable provisions of Title 37, chapter~~
11 ~~64;~~

12 ~~——— (11) maintain a minimum client caseload, as determined by the commission;~~

13 ~~——— (12) actively seek gifts, grants, and donations that may be available through the federal government or~~
14 ~~other sources to help fund the system; and~~

15 ~~——— (13) perform all other duties assigned by the commission pursuant to this chapter."~~

16
17 ~~——— **Section 7.** Section 47-1-215, MCA, is amended to read:~~

18 ~~——— **"47-1-215. Regional offices -- deputy public defenders -- office space.** (1) Beginning July 1, 2006,~~
19 ~~the The chief public defender shall hire, assign, and supervise a deputy public defender to manage and supervise~~
20 ~~each regional office established pursuant to 47-1-104(2):~~

21 ~~——— (2) Each deputy public defender shall:~~

22 ~~——— (a) manage and supervise all public defender services provided within the deputy public defender's~~
23 ~~assigned region;~~

24 ~~——— (b) establish protocols so that when a court orders the office to assign counsel, the assignment is made~~
25 ~~promptly to an appropriate public defender and so that a public defender is immediately available when~~
26 ~~necessary;~~

27 ~~——— (c) ensure that public defender assignments within the region comply with the provisions of 47-1-202(7);~~

28 ~~——— (d) hire and supervise the work of regional office personnel as authorized by the chief public defender;~~

29 ~~——— (e) contract for services as provided in 47-1-216 and authorized by the chief public defender according~~
30 ~~to the strategic plan approved by the commission;~~

1 ~~——— (f) keep a record of public defender and associated services and expenses, including each attorney's~~
2 ~~time spent on each assigned case, in the region and submit the records to the chief public defender as requested;~~

3 ~~——— (g) implement the standards and procedures established by the commission and chief public defender~~
4 ~~for the region;~~

5 ~~——— (h) maintain a minimum client caseload as determined by the chief public defender; and~~

6 ~~——— (i) perform all other duties as assigned by the chief public defender.~~

7 ~~——— (3) Expenses for office space required for regional offices, including rent, utilities, and maintenance, must~~
8 ~~be paid by the office and may not be considered a county or city obligation."~~

9
10 ~~——— **Section 8.** Section 47-1-216, MCA, is amended to read:~~

11 ~~——— "**47-1-216. Contracted services -- rules.** (1) The commission shall establish standards for a statewide~~
12 ~~contracted services program that ensures that contracting for public defender services is done fairly and~~
13 ~~consistently statewide and within each public defender region.~~

14 ~~——— (2) Beginning July 1, 2006, the The state office and each regional office, in a manner consistent with~~
15 ~~statewide standards adopted by the commission pursuant to this section, may contract to provide public defender,~~
16 ~~professional nonattorney, and other personal services necessary to deliver public defender services within each~~
17 ~~public defender region. All contracting pursuant to this section is exempt from the Montana Procurement Act, as~~
18 ~~provided in 18-4-132.~~

19 ~~——— (3) Contracts may not be awarded based solely on the lowest bid or provide compensation to contractors~~
20 ~~based solely on a fixed fee paid irrespective of the number of cases assigned.~~

21 ~~——— (4) Contracting for public defender services must be done through a competitive process that must, at~~
22 ~~a minimum, involve the following considerations:~~

23 ~~——— (a) attorney qualifications necessary to provide effective assistance of counsel that meets the standards~~
24 ~~established by the commission;~~

25 ~~——— (b) attorney qualifications necessary to provide effective assistance of counsel that meet the standards~~
26 ~~issued by the Montana supreme court for counsel for indigent persons in capital cases;~~

27 ~~——— (c) attorney access to support services, such as paralegal and investigator services;~~

28 ~~——— (d) attorney caseload, including the amount of private practice engaged in outside the contract;~~

29 ~~——— (e) reporting protocols and caseload monitoring processes;~~

30 ~~——— (f) a process for the supervision and evaluation of performance;~~

1 ~~—— (g) a process for conflict resolution; and~~

2 ~~—— (h) continuing education requirements in accordance with standards set by the commission.~~

3 ~~—— (5) The chief public defender and deputy public defenders shall provide for contract oversight and~~
4 ~~enforcement to ensure compliance with established standards.~~

5 ~~—— (6) The commission shall adopt rules to establish reasonable compensation for attorneys contracted to~~
6 ~~provide public defender services and for others contracted to provide nonattorney services. The rules must~~
7 ~~require that each contracted attorney keep track of the attorney's time spent on each case assigned under this~~
8 ~~chapter, report that information to the office, and file that information with the court as required by 47-1-104(5)."~~

9
10 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

11 - END -